

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

EDWARD SCOT HUSBANDS,

Plaintiff,

v.

KIMBERLY ANN BULLOCK, KATHY
BULLOCK, KATIE RAUCH, RUSSEL
RAUCH, CARRIE ARMSTRONG,
KRISTIE SHOCKLEY BOYLE, WILLIAM
BOYLE, AIMEE LACKFORD, DANA
ORTON, KATHY KIERNAN NEWCOMB
and JENNIFER SHORT-TAKACS,

Defendants.

C.A. No. N18C-11-021 MMJ

On Defendant Kathy Kiernan Newcomb's Motion to Dismiss
GRANTED

On Kathy Bullock's Motion to Dismiss
GRANTED IN PART, DENIED IN PART

ORDER

Kathy Kiernan Newcomb's Motion to Dismiss

Plaintiff has alleged two instances of defamation by Newcomb.

The first is that Newcomb voted to have Plaintiff's daughter removed from a traveling sports team. Plaintiff has not identified any statement or other

communication that would fall within the required definition of slander.¹ A vote is not a defamatory statement.

The second instance alleged is defamatory statements about Plaintiff made to the coach of another sports team in an attempt to prevent Plaintiff's daughter from making the team. Oral defamation is not actionable without special damages.² Plaintiff has not pled special damages resulting from or proximately caused by these statements.

The Court notes that Plaintiff has filed two amended complaints. Defendants did not consent to these amendments and no motion to amend was filed. These pleadings were not offered pursuant to the rules of procedure. However, even if the amended complaints had been properly filed, the allegations contained therein do not cure the enumerated deficiencies.

THEREFORE, Kathy Kiernan Newcomb's Motion to Dismiss is hereby GRANTED.

Kathy Bullock's Motion to Dismiss

Bullock's Motion to Dismiss is based solely on the statute of limitations.

¹*Read v. Carpenter*, 1995 WL 945544, at *2 (Del. Super.), *aff'd*, 670 A.2d 1340 (Del. 1995).

²*Id.* At *5.

Pursuant to 10 *Del. C.* § 8119, the applicable statute of limitations is two years. The Court finds that any alleged defamatory statements made prior to November 7, 2016 are barred.

THEREFORE, Kathy Bullock's Motion to Dismiss is hereby **GRANTED IN PART AND DENIED IN PART.**

IT IS SO ORDERED.

4/29/19


The Honorable Mary M. Johnston